

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

C.A. No. 05-10258 NG

vs.

BOSTON CHAIN LINK FENCE ERECTORS, INC., and
its alter ego BOSTON FENCE & SUPPLY, INC.,

Defendants

and

BANK OF AMERICA,
Trustee

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST BOSTON FENCE & SUPPLY, INC.**

Now come the plaintiffs, Paul McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al (hereinafter, the "Funds"), and request the Clerk, pursuant to Rule 55(b)(l), Fed. R. Civ. P., to enter default judgment in favor of the plaintiffs and against defendant Boston Pence & Supply, Inc. (hereinafter "Boston Fence"), in the amount of \$47,262.41, which is the amount of the judgment, plus post judgment interest.

As grounds therefore, Plaintiff Funds state that default has been entered against defendant Boston Fence for failure to answer or otherwise defend as to the Complaint of the

Funds. Plaintiff Funds' claim is for a sum certain and defendant Boston Fence is neither an infant nor an incompetent person.

In the alternative, plaintiffs move the Court to enter default judgment against defendant Boston Fence pursuant to Rule 55(b)(2) in the amount of \$47,262.41, which represents the amount of the unpaid judgment, plus post judgment interest.

WHEREFORE, plaintiffs respectfully request that default judgment be entered against Defendant Boston Fence.

Respectfully submitted,

PAUL J. McNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

/s/ Elizabeth A. Sloane
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Elizabeth A. Sloane, Esq., BBO#567866
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Dated: September 13, 2005

CERTIFICATE OF SERVICE

This is to certify that a copy of the Plaintiffs' Motion for Entry of Default Judgment Against Boston Fence & Supply, Inc. has been served by certified and first class mail upon the defendants, Boston Fence & Supply, Inc. and Boston Chain Link Fence Erectors, at 128 Newbury Street, West Peabody, MA 01960 this 13th day of September 2005.

/s/ Elizabeth A. Sloane
Elizabeth A. Sloane